

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

VALERIE J. HODGES

Registered Nurse License No. 361032

Respondent.

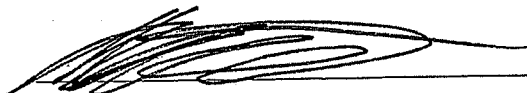
Case No. 2012-311

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.



Erin Niemel
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-311

13 **VALERIE J. HODGES**
2530 North Hermosa Street
14 **Palm Springs, CA 92262**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Registered Nurse License No. 361032**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Amanda Dodds, Senior Legal Analyst.

25 2. Valerie J. Hodges (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about August 31, 1983, the Board of Registered Nursing issued Registered
28 Nurse License No. 361032 to Valerie J. Hodges (Respondent). The Registered Nurse License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-
2 311 and will expire on December 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-311 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on November
7 22, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2012-311 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 2012-311. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 2012-311, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
25 License No. 361032 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Registered Nurse License without further process.

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1 This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2012-311 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 5. Should Respondent's license be reinstated, she shall pay to the Board costs associated
14 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
15 in the amount of \$612.50. Respondent shall be permitted to pay these costs in a payment plan
16 approved by the Board. Nothing in this provision shall be construed to prohibit the Board from
17 reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation No. 2012-311 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
4 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
5 by the Decision and Order of the Board of Registered Nursing.

6
7 DATED: 03-21-2012

Valerie J. Hodges
8 VALERIE J. HODGES
9 Respondent

10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

13 Dated: 3/28/12

Respectfully submitted,

14 KAMALA D. HARRIS
Attorney General of California
15 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

16 Amanda Dodds

17 AMANDA DODDS
18 Senior Legal Analyst
19 Attorneys for Complainant

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21 SD2011801300
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Exhibit A

Accusation No. 2012-311

1 KAMALA D. HARRIS
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2 LINDA K. SCHNEIDER
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3 State Bar No. 101336
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-311

12 **VALERIE J. HODGES**
13 **2530 North Hermosa Street**
14 **Palm Springs, CA 92262**

A C C U S A T I O N

15 **Registered Nurse License No. 361032**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1983, the Board of Registered Nursing issued Registered
24 Nurse License Number 361032 to Valerie J. Hodges (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

12
13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

16
17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
19 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
20 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
22 or self-administration of any of the substances described in subdivisions (a) and (b) of
this section, or the possession of, or falsification of a record pertaining to, the
23 substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

24 25 REGULATORY PROVISIONS

26 11. California Code of Regulations, title 16, section 1444, states:

27 A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it
evidences the present or potential unfitness of a registered nurse to practice in a

1 manner consistent with the public health, safety, or welfare. Such convictions or acts
2 shall include but not be limited to the following:

3 (a) Assaultive or abusive conduct including, but not limited to, those violations
4 listed in subdivision (d) of Penal Code Section 11160.

5 (b) Failure to comply with any mandatory reporting requirements.

6 (c) Theft, dishonesty, fraud, or deceit.

7 (d) Any conviction or act subject to an order of registration pursuant to Section
8 290 of the Penal Code.

9 12. California Code of Regulations, title 16, section 1445 states:

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11 (b) When considering the suspension or revocation of a license on the grounds
12 that a registered nurse has been convicted of a crime, the board, in evaluating the
13 rehabilitation of such person and his/her eligibility for a license will consider the
14 following criteria:

15 (1) Nature and severity of the act(s) or offense(s).

16 (2) Total criminal record.

17 (3) The time that has elapsed since commission of the act(s) or offense(s).

18 (4) Whether the licensee has complied with any terms of parole, probation,
19 restitution or any other sanctions lawfully imposed against the licensee.

20 (5) If applicable, evidence of expungement proceedings pursuant to Section
21 1203.4 of the Penal Code.

22 (6) Evidence, if any, of rehabilitation submitted by the licensee.

23 COSTS

24 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (October 24, 2006 Criminal Conviction for DUI on June 11, 2006)

3 14. Respondent has subjected her license to disciplinary action under sections 490 and
4 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
5 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
6 follows:

7 a. On or about October 24, 2006, in a criminal proceeding entitled *People of the*
8 *State of California v. Valerie Jane Hodges*, in Riverside County Superior Court, case number
9 INM168356, Respondent was convicted on her plea of guilty of violating Vehicle Code section
10 23152, subdivision (a), driving under the influence of alcohol, a misdemeanor.

11 b. As a result of the conviction, on or about October 24, 2006, Respondent was
12 sentenced to 36 months summary probation, and she was ordered to attend and complete a nine-
13 month First Offender DUI Program, pay \$1,691.40 in fees, fines, and restitution, and comply with
14 the terms of standard DUI probation.

15 c. The facts that led to the conviction are that on or about the evening of June 11,
16 2006, Respondent was observed by an off-duty employee of the Palm Springs Police Department
17 driving her vehicle in an unsafe manner, failing to stop at a red light, stopping at a green light,
18 weaving, and straddling lanes. A patrol officer was dispatched to Respondent's location and he
19 conducted a traffic stop. Upon making contact with Respondent, the officer observed the strong
20 odor of an intoxicating liquor coming from Respondent, her eyes were bloodshot and watery, and
21 she had difficulty focusing her eyes. Respondent admitted to consuming wine earlier in the
22 evening, and stated she had taken a prescription medication but could not remember what it was.
23 Respondent's speech was slow, slurred and she mumbled. Respondent submitted to a series of
24 field sobriety tests which she was unable to complete as explained and demonstrated. Based on
25 Respondent's objective symptoms of intoxication, she was arrested for driving under the
26 influence of alcohol. At booking, Respondent provided a blood sample that was analyzed with a
27 blood alcohol concentration (BAC) of .23 percent.

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1 Respondent was arrested of driving under the influence and causing a collision. During booking,
2 Respondent provided a blood sample which was analyzed with a BAC of .23 percent. One of the
3 victims was treated for a concussion, bruises, minor cuts, and an avulsion on the right arm; the
4 other victim was treated at the scene and released.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

7 16. Respondent has subjected her registered nurse license to disciplinary action under
8 section 2762, subdivision (b) of the Code in that Respondent used alcoholic beverages to an
9 extent or in a manner that was dangerous and injurious to herself and others as described in
10 paragraphs 14 and 15, above. On both dates, Respondent's blood alcohol concentration was .23
11 percent, nearly three times the legal limit.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)**

14 17. Respondent has subjected her registered nurse license to disciplinary action under
15 section 2762, subdivision (c) of the Code in that on or about November 14, 1996 and October 24,
16 2006, as described in paragraphs 14 and 15, above, Respondent was convicted of criminal
17 offenses involving the consumption and/or self-administration of alcohol.

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PRAYER

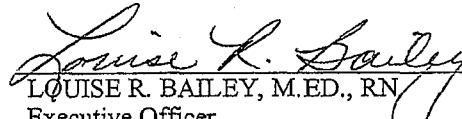
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 361032, issued to Valerie J. Hodges;

2. Ordering Valerie J. Hodges to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: November 22, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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